

THE REHEARSAL.

1. The *Observer* Mends a little in his *Manners*.
2. He Accuses the *Review* for *Yielding* the Cause.
3. He *Denies* not, but *Opposes* that all *Lands* hold of the *Crown*.
4. His *Argument*, That the *Law* is Above *King* and *People*.
5. His *Pawwawing* of *Revelation*.
6. His *Cafe* of the *Re-assumption* of the *Forfeited Lands*.
7. His *Objection*, That they *Hold* not of the *King* in *Holland*, *Venice* &c.
8. He *Objects*, That we *Hold* our *Lands* at the *King's* pleasure.
9. His *Answer* as to *Sr. Walter Rawleigh* his seizing of *Virginia*.

SATURDAY, October 5. 1706.

(1.) *Country-man*. THE *Observer* of Wednesday last has Attack'd you, *Master*, in a seeming *scilicet* Manner, and without so much foul Language as he has formerly Us'd. I think you ought to pay him your Acknowledgements.

Rehearsal. I hope his *Conversion* is Nigh, if he can be brought to speak *Civilly*, and *Argue Fairly*. And I will give him all *Encouragement* to it, by *Treating* him in the same manner. Therefore let me know what he says, and I will give him fair *Answers*, without taking Notice of some small *Abuses*; knowing it is Hard to leave a *Habit* all at once.

(2.) *Country-m*. First he Complains that the *Review* has given up the Cause about the *Patriarchat*.

Rehearsal. But does he shew wherein the *Review* has *Yielded* too much? Has he *Corrected* the *Mistakes* of the *Review*? Or set up any other *Scheme*, which he thinks *Better*?

(3.) *Country-m*. No. He go's not in that Method. But he Proceeds to Answer your Num 142. And Quotes you saying, That no Subject can have any Property but by Grant from the *King*, and that all the *Lands* in *England* hold of the *Crown*.

Rehearsal. Do's he Deny this? It is *Fact*. And every body knows it. Let him shew any *Estate* in *England* that do's not hold of the *Crown* as the *Chief Lord Paramount*. Every Mans *Patent* for his *Estate*, and every *Fine* that is *Levy'd* shews this.

Country-m. He do's not Deny it, but he Opposes it.

Rehearsal. To Oppose what one cannot Deny, is a New way of *Arguing*! But let us hear how he Opposes it.

(4.) *Country-m*. He says, To set you Right in this Matter, you must Consider the *TENURES* of the *KING* and the *PEOPLE*, how the one holds the *CROWN*, and how the others holds their *PROPERTY*; Now they don't hold of one another as *KING* and *PEOPLE*, but they both

Hold of the *LAW* as the *ORIGINAL CONTRACT*, the *Terms* of *Government*. And in this Respect both *KING* and *PEOPLE* are *SUBJECTS*; for the *LAW* Governs in *ENGLAND*, whoever is *KING*.

Rehearsal. Then the *Law* is *King* over the *King*! This is like Mr. De *Foe's* *QUEEN Reason*. To which I Answer'd, who shall be Judge of this Reason? Since Mens Reason do's Differ. So I say of the *Law*, who shall be Judge of the *Law*? Since Men Differ about the *Law*. Else we shou'd not have so many *Law-Suits*. If every man cou'd Interpret the *Law*, and Apply the *Law* as he pleases, it wou'd be the same thing as if ther was no *Law*. For every man wou'd be Judge in his own Cause.

Therefore I say, That the *Law* is no Judge in any Case. That the *Law* never yet Determin'd any Controversy, Big or Little, nor ever can.

The *Law* indeed is the Rule by which Judges ought to give their Judgment. But of it felt it is a *Dead Letter*, and can Determine nothing. It has no Force, but when it is Pronounc'd out of the Mouth of a Judge vested with Authority. And tho' the Judge shou'd give Sentence contrary to *Law*, ther Lies an Appeal to an Higher Judge or Court; And when we have come to the Highest, we must Abide by their Judgment, whether it be According to *Law* or not. For ther Lies no Appeal to the *Law* in any Case. It wou'd be Nonsense to Appeal to the *Law*, where ther is no Judge of the *Law*. It wou'd be to bid every Man Judge for Himself.

So that the *Law* is so far from being a *King*, that it is not so much as a *Constable*, or can Execute any *Warrant*, or do any one Act.

All Authority is Living, and must be Lodg'd in some Living PERSON. And our Duty and Obedience is to the PERSON. Therefore it is made *Treason* by the *Law* to separat the Authority of the *King* (or *Queen*) from his (or her) Person. This Dissolves all *Laws* and all *Government* whatsoever. Hence our *Laws* have Barr'd all Coercion

Coercion upon the Persons of our Kings or Queens. And this (as I have said) makes an End of the matter all at once. And Answers all that the *Observer* has said, or that he or any other can say. For without *Coercion* all their Arguments of *Limitation* &c. come short of their *Intention*, and can never justify taking of *Arms*. And *Coercion* being Barr'd by our *Laws*, takes from them the Pretence of *Law* or *Constitution* on their side, and turns both against them.

And as to his *Monarch LAW*, supposing it a *Person* (as he wou'd have it) and not a bare *Rule*, and to be *King* over *King* and *People*, I wou'd desire to know who *Made* it? Who made that *Law* which is *Above* both *King* and *People*? Neither of Them cou'd *Make* it. Because then they wou'd be *Above* it. For the *Legislators* must be *Before* the *Law*, and *Above* the *Law*. The *Law* is nothing but their *Declar'd Will* and *Pleasure*; And they can *Alter* it at their *Pleasure*. Therefore the *Law* cannot *Bind* them, or be *Superior* to them. But is always *Subject* to them. It has its *Being* from them, and can *Live* no longer than they *Speak* the *Word*. How *Contradictory* then is it to make the *Law* a *King* above the *King*, and to make both *King* and *People* its *Subjects*? As the *Observer* here do's.

And as to his *Original Contract*, the *Original of Government* was in *Adam*. And how it has been *Deduc'd* since we have seen. And will he shew that the *Government* of *Adam* had its *Beginning* or *Original* from a *Contract* made betwixt him and his *Subjects*?

(5.) *Country-m.* He has put in his *Caveat* already against *Revelation*, which he calls *Hebrew Roots*, and *Wither'd Branches*. And finds Fault with the *Review* for yielding so easily to it. And he calls your *Insisting* upon it *Pawwawing*, which is the *Worship* the *Indians* pay to the *Devil*. This is in his *Observer* of the 18th last Month, Vol. 5. N. 53. And in this same *Observer* we are upon of the 2d. Instant, Vol. 5. N. 57. He is upon you over and over again for your *Revelations*, and *Ridiculing* them.

Rehears. If I never Pretended to any *Revelation*, or *Produc'd* any but that of the *Holy Scriptures*, then all he has said against my *Revelation*, that is, the *Revelation* I have *Quoted*, must be meant against the *Holy Scriptures*. And I am sure I *Produc'd* none other. And none other can be meant by his *Hebrew Roots*. Which he makes not only a *Dry Branch*, but a *Pawwawing*, a direct *Inspiration* of the *Devil*. I wish him to *Consider* of this, before it be too late.

(6.) *Country-m.* I wish he may with all my Heart. But let us Return to his *Observer* of the 2d. Instant, and see how he Pursues his *Argument*. He says, The *KING* cannot *Alienate* any of the *CROWN-LANDS*, even the *Forfeited Estates* of *Rebels*; if he makes *Grants* of them, those very *Grants* may be *Re-assum'd* by the *PEOPLE*, of which we have had a late Instance.

Rehears. Was that *Re-assumption* by the *People*? Was it not by the *King*? Was it not by *Act* of *Parliament*? And can there be an *Act* of *Parliament* without the *King*? If the *King* had *Refus'd* the *Royal Assent* to that *Bill*, had it been an *Act* of *Parliament*? And cou'd the *People* have *Re-assum'd* those *Grants* without it? See what *Straining* here is to set up the *Power* of the *People* above the *King*.

(7.) *Country-m.* He says, If the *SUBJECT* can have no *PROPERTY* but from the *KING's* *Grant*, what *PROPERTY* have those *PEOPLE* that have no *KINGS*? A *DUTCH-MAN*, a *GENOESE*, a *VENETIAN*.

Rehears. Wherever the *Supreme Power* is *Plac'd*, it has the same *Authority*. And the *People* under *Common-Wealths* hold of the *States*, as we do of the *King*.

(8.) *Country-m.* He says, That by this *Rule*, If at any time we keep *Possession* of our *Estates*, it seems 'tis only so, because the *KING* is *Pleas'd* not to take them away.

Rehears. And is it not so in *Holland*, &c. because the *States* are not *Pleas'd* to take them away? All *Mens Property* is under the *Power* of every *Government*. And it cannot be otherwise. But our *Kings* are under the *Limitation*, tho' not the *Coercion* of the *Laws*. And their *Ministers* are *Accountable*, if they do *Wrong*. And the *King* cannot do this *Wrong* but by his *Ministers*. Which is all the *Security* that is *Possible* to be had.

(9.) *Country-m.* In Answer to your Position, That the *Acquisitions* of *Subjects* Accrue to the *Prince*, and your Instance of *Sir Walter Rawleigh*, and the *Proprietors* of *Carolina*, &c. He says, If *Sir WALTER RAWLEIGH* did *Seize VIRGINIA*, it was either by the *QUEENS Commission*, or without it; if he *Seiz'd* by the *QUEENS Commission*, he *Seiz'd* for her, and not for himself; if he *Seiz'd* without it, he ought to have been *Hang'd* for his *Pains*, for he was a *Thief*, and the *Queen* the *Receiver*.

Rehears. What? If he *Stole* from no *Body*. For all the *Argument* I was upon, was, That bare *Priority* of *Possession* did not give *Right* to *Subjects*. Otherwise *Sir Walter* had had *Right* to *Virginia* for Himself. As to the *Right* of *Invading* others, I meddle not with it. Especially that of *Princes*. That is not my *Subject* at Present.

If you have any other *Objections* of Mr. *Observer's*, you may let me know them next time we meet.

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